

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: GE/CBPS DATA BREACH LITIGATION

Case No. 1:20-cv-02903-KPF

**SUPPLEMENTAL BRIEF IN SUPPORT OF CLASS REPRESENTATIVE PLAINTIFF'S
MOTION FOR AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND
SERVICE AWARD**

Pursuant to Paragraph 29(e) of the Court's August 24, 2022 Order Granting Preliminary Approval of Class Action Settlement Agreement, Certifying Settlement Class, Appointing Class Representative, Appointing Class Counsel, and Approving Notice Plan (ECF No. 94), Class Representative Plaintiff and Class Counsel hereby supplement the Motion for Award of Attorneys' Fees, Reimbursement of Expenses, and Service Award ("Fee Motion") as follows:

There have been no objections made by Settlement Class Members to Plaintiff's Fee Motion seeking \$466,798.00 in attorneys' fees, \$12,345.54 for reimbursement of expenses, or the requested Service Award of \$1,500.00.

Moreover, since the December 16, 2022 filing of the reply brief in support of the Fee Motion, Class Counsel have expended an additional 48.2 hours (for a lodestar of \$41,452.80) overseeing the settlement administration process, drafting the papers in support of final approval, meeting and conferring with Defendants regarding the ability of Settlement Class Members to access the activation codes for the entire 18-month coverage period that Financial Shield services are available, meeting and conferring with Defendants regarding Class Counsel's ability to communicate with Settlement Class Members about the Settlement, and drafting a motion related to the meet and confer issues. Specifically, Defendants took the position that there was a deadline of December 22, 2022 for Settlement Class Members to obtain the activation codes needed to enroll in Financial Shield (there is not). Defendants also took the position that Class Counsel should not have access to the contact information of Settlement Class Members to communicate with them about the Settlement. These issues have now been resolved without court intervention and to Plaintiff's satisfaction.

A chart reflecting the timekeepers, hours, and hourly rates is attached hereto as Exhibit A and Class Counsel's detailed time records for the additional 48.2 hours are attached as Exhibits B-

D. Class Counsel's total lodestar to date is \$435,296.70 (excluding the \$33,550.60 they agreed to eliminate as set forth in their reply brief (ECF No. 107 at p. 9)). Class Counsel have also excluded all time related to the applications for lead counsel and the contested fee application (more than 75 hours). Class Counsel anticipate expending an additional 10 hours overseeing the settlement administration process and approximately 15 hours (if not more) to attend and prepare for the final approval hearing.

Based on the foregoing, Plaintiff and Class Counsel respectfully request that the Court grant the Fee Motion and award Class Counsel \$466,798.00 in attorneys' fees, \$12,345.54 for reimbursement of expenses, and a Service Award of \$1,500.00. The requested fee award represents a small enhancement of 1.072 (achieved by dividing the requested fee award of \$466,798.00 by the lodestar to date of \$435,296.70). If the Court considered all of the time Class Counsel has expended in this case, the requested fee award would represent a negative multiplier to Class Counsel's time in the case.

Respectfully submitted,

DATED: February 8, 2023

By: /s/ Rosemary M. Rivas

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